CHAPTER 4

OPEN SPACE & ENVIRONMENTAL CONSERVATION ELEMENT

March 19, 2002

Purpose

According to state law, the purpose of a Conservation Element is to assure the conservation, development and use of natural resources including water, forests, soils, rivers, fisheries, wildlife, minerals and other natural resources. Similarly, the purpose of an Open Space Element is to assure the continued availability of land for the managed production of resources (such as food and fiber), to protect the enjoyment of scenic beauty and ensure provision of recreation, to identify and preserve lands whose indiscriminate development could compromise public health and safety, and to preserve natural resources.

State law also requires that an Open Space Element contain an action program consisting of specific programs to implement the open space plan. Milpitas' open space action plan is the sum total of the open space and conservation policies in this Element of the General Plan and the open space proposals depicted on the General Plan Land Use Diagram.

Relationship to Other Elements

The Open Space and Environmental Conservation Element is correlated with the Land Use Element which designates park and open space areas.

4.1 Parks and Recreational Facilities

Inventory and Classification

Existing parks and recreation facilities are summarized in Table 4-1. As of early 1994, the Planning Area included 153.4 acres of City-owned park and recreation facilities and 1,544 acres of the Ed Levin Park, part of which is within City limits. Definitions of the General Plan park classifications follow.

Community Parks. Community Parks typically contain regulation-size ballfields and courts, space for informal games and activities, picnic and gathering areas, children play areas and parking. The only existing community park, the 24.4 acre Sports Center, serves as a special-use facility because it contains sports fields and facilities.

Neighborhood Parks. Neighborhood parks in the City fall into two categories: typical walk-to parks that serve the immediate neighborhood, providing open space for informal play, and parks containing a community-use facility, such as a regulation size, prepared ballfield. In addition to serving the immediate neighborhood, the latter category also draws people from the larger community, some of whom may drive to the facility. The City's current inventory includes 43.3 acres of neighborhood parks.

Special-use Parks. This category includes mini-parks, linear parks, creek trails, flood retention areas, Community Garden, Senior Center, Rancho Milpitas Middle School Ballfield, and Community /Civic Center. A total of 15 acres of the City's inventory consists of special-use parks. Additional linear parks through the creek trail system will be developed within the Midtown Specific Plan area with future residential development.

Regional Parks. Regional parks are generally larger than 100 acres in size and serve the entire City or the region. While regional parks can provide for varying degrees of recreation activity, a portion of the park is generally maintained in a rustic setting for passive recreation use. While a number of regional parks serve Milpitas residents, the Planning Area includes only one such facility, the Ed Levin County Park.

There are no established, signed trails under City jurisdiction. However, the Ed Levin Park contains an extensive trail system.

Other Facilities in the Planning Area include:

School Parks. The City has a joint-use agreement with the Milpitas Unified School District (MUSD) that allows mutual use of facilities at a reduced rental rate. The City also provides recreation staff to assist in the District's latchkey program.

Private Recreation Facilities. Besides parks and recreation facilities listed above, private recreation facilities in the Planning Area include: the YMCA, Bayhill Athletic Club, South Bay Athletic Cub, Golfland, Cal Skate, Summitpoint Golf Course, Spring Valley Golf Course, and Divot City.

Table 4-1
Inventory of Park Acreage by Type and Facility[1]

Type/Name	Acreage
REGIONAL PARKS	
Ed Levin Park	1,544
Alum Rock Park[2]	775
Sunnyvale – Santa Clara Baylands Park[2]	280
Mission Peak regional Preserve[2]	1,875
S.F. Bay National Wildlife Refuge[2]	19,600
Total Regional	**24,074**
COMMUNITY PARK	
Sport Center	24.4
Community Park Total	**24.4**
NEIGHBORHOOD PARKS	
Creighton Park	5.0
Foothill Park	4.0
Hillcrest Park	5.2
Sandalwood Park	3.5
Sinnot Park	4.7
Sewlyn Park	.025
Starlite Park	4.0
Strickroth Park	5.7
Al Augustine Park	6.0
Oliver Jones Park	5.2
Neighborhood Park Total	**45.325**
NEIGHBORHOOD PARKS WITH COMMUNITY FACILITY	
Ben Rodgers Park	9.5
Calle Oriente Mini Park	2.0
Cardoza Park	10.0
Dixon Landing Park	11.0
Gill Park	8.5
Hall Park & Lagoon	9.5
Higuera Adobe Park	5.5
Murphy Park	8.7
Pinewood Park	8.0
Yellowstone Park	4.0
Neighborhood w/facility Total	**76.7**
SPECIAL USE PARKS	
Mini Parks	5.2
Flood retention area / Hidden Lake Park / Hall Park Drainage	2.5
Community Garden	1.2
Senior Center	0.1
Rancho Milpitas Middle School ballfield	1.0
Community Center/Civic Center	3.0
Special Use Parks Total	**13.0**
Total City Park Acreage	**161.425 acres**

1 All neighborhood parks contain at least one, and in some cases, two tot/youth play equipment areas.

2 Regional Parks outside the Planning Area serving City residents.

Source: City of Milpitas, 2001.

Existing and future public parks are depicted in Figure 4-1.

Current Plans

A *Park and Recreation Facility Needs Study* for the City was completed in April 1993. The study identified the need for several additional facilities and called for preparation of a Park and Recreation Master Plan. While funds for preparation of the plan have been authorized, further action on the plan awaits direction from the City Council.

Facilities Under Development. The renovation of the Sports Center was completed in June 2001.A new Teen Center also opened in June 2001. Currently the plaza, landscaping, lighting and gymnasium renovation are the phases either under design or construction. Cardoza Park east parking lot and picnic area will be renovated in 1993.

Standards

To guide implementation of park and recreation proposals, standards relating to park size, distribution, and primary service area are established in the General Plan (Table 4-2). Figure 4-1 depicts areas of the City within a 3/8-mile service radius of a neighborhood or community park.

Table 4-2

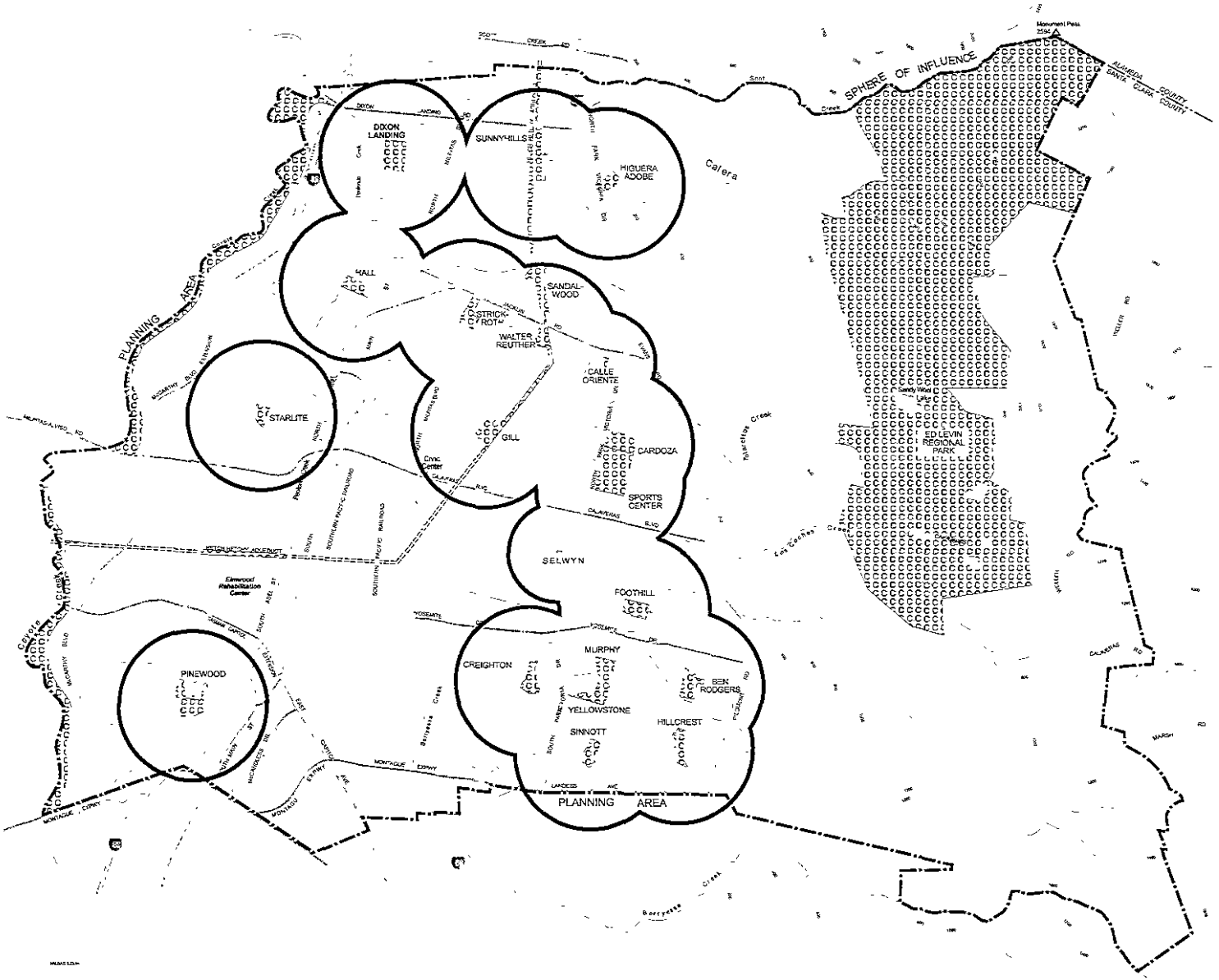
Park Standards for New Facilities

	Neighborhood Parks	Community Parks
Distribution (acres/1,000 residents)	5 acres for neighborhood and community parks outside of the Midtown Specific Plan area. 3.5 acres for neighborhood, community, and special-use parks within the Midtown Plan area.	
Park Size	4 to 10 acres	15 to 30 acres
Service Area Radius	3/8 mile	entire City

Future Need

Current General Plan designations at buildout would result in a population of approximately 83,500. With redevelopment and infill of the Midtown area, it is important to provide appropriately-scaled parks and open spaces to serve new residents and improve the amenity and livability of the Midtown area. Improving the creek trail system will link the Midtown area to the larger park system throughout the city. If General Plan amendments lead to an increase in supply of land designated for residential use, the need for new parkland will also increase.

The *Park and Recreation Facility Needs Study* identifies a need for a new community park, group picnic facilities, classroom/meeting space, sports practice facilities, trails, a performing/visual arts center, an historical museum and a gymnasium.



Parks

Figure 4-1

Parks

3/8 mile Neighborhood Park Service Radius

1/4 mile Mini Park Service Radius

Source: City of Milpitas

10 acres

0 1000' 2600' 1 MILE

City of Milpitas

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4.2 Biotic Resources

The Planning Area and the surrounding region offer a variety of wildlife habitats, such as marshlands, riparian areas, grasslands and woodlands. While much of the City is built-out, species supported by habitats such as Coyote Creek, salt marsh and mud flats to the west and the rolling hills of Ed Levin Park and beyond to the east include the California coastal deer, gophers and water snakes, as well as rattlers, songbirds such as the mocking bird and the red-winged blackbird, upland game birds, pheasant, quails and doves, squirrels, and bobcats. Fish species found include bass, catfish, trout and other non-game species which may be found in the Calaveras Reservoir (east of the Planning Area), Sandy Wool Lake, periodically in Coyote Creek, and impounded waters within the foothills.

Special Status Species in the Planning Area

Certain species are recognized as needing special protection under state and federal law due to their rare, endangered, or threatened status. These species are afforded varying degrees of protection through the applicable laws and regulations of the Federal Endangered Species Act (ESA), the California Native Plant Protection Act (NPPA), the California Endangered Species Act (CESA), and the California Environmental Quality Act (CEQA).

The California Natural Diversity Data Base (CNDDB), run by the California Department of Fish and Game (CDFG), is the most complete single-source inventory of officially (state and federal) listed rare, endangered, and threatened animals and plants, plus those considered by the scientific community to be deserving of such listing. A March 1994 search of the CNDDB established the known presence of only one endangered species (the salt marsh harvest mouse) and one “species of special concern” (the golden eagle) in the Planning Area. No rare or threatened species were found. The CNDDB also inventories both terrestrial and aquatic natural communities that are of extremely high quality and/or very limited distribution; no such communities were found in the search.

The California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California*, 1994 for the Milpitas and Calaveras Reservoir quads was also consulted. The inventory contains a list of plants presumed extinct in California, Rare and Endangered plants in California and elsewhere, Rare and Endangered plants in California but more common elsewhere, plant species for which more information is needed, and plants of limited distribution. Only one of the plant species listed by the CNPS (the alkali milk vetch) has been found in the Planning Area.

The results of the CNDDB and the CNPS search are summarized in the Appendix C. The appendix also contains a listing of sensitive species in Santa Clara County – the presence of most has not been established in the Planning Area.

A brief discussion of the species known to occur within the Planning Area follows (Figure 4.2 shows the potential general location of these species):

Salt Marsh Harvest Mouse (Reithrodontomys raviventris). Listed as Endangered at the state and federal level, the salt marsh harvest mouse is confined to salt marshes about the Bay.

The salt marsh harvest mouse is commonly associated with dense growth of pickleweed.[1] A non-burrowing mammal, it requires higher areas for flood escape. While the salt marsh harvest mouse has been sighted primarily west of the Planning Area in the marshes along Alviso Slough, Albrae Slough and Coyote Creek, one capture occurred at the San Jose-Santa Clara sewage disposal site and another two miles south of Fremont between Coyote Creek and the Nimitz Freeway in 1985.

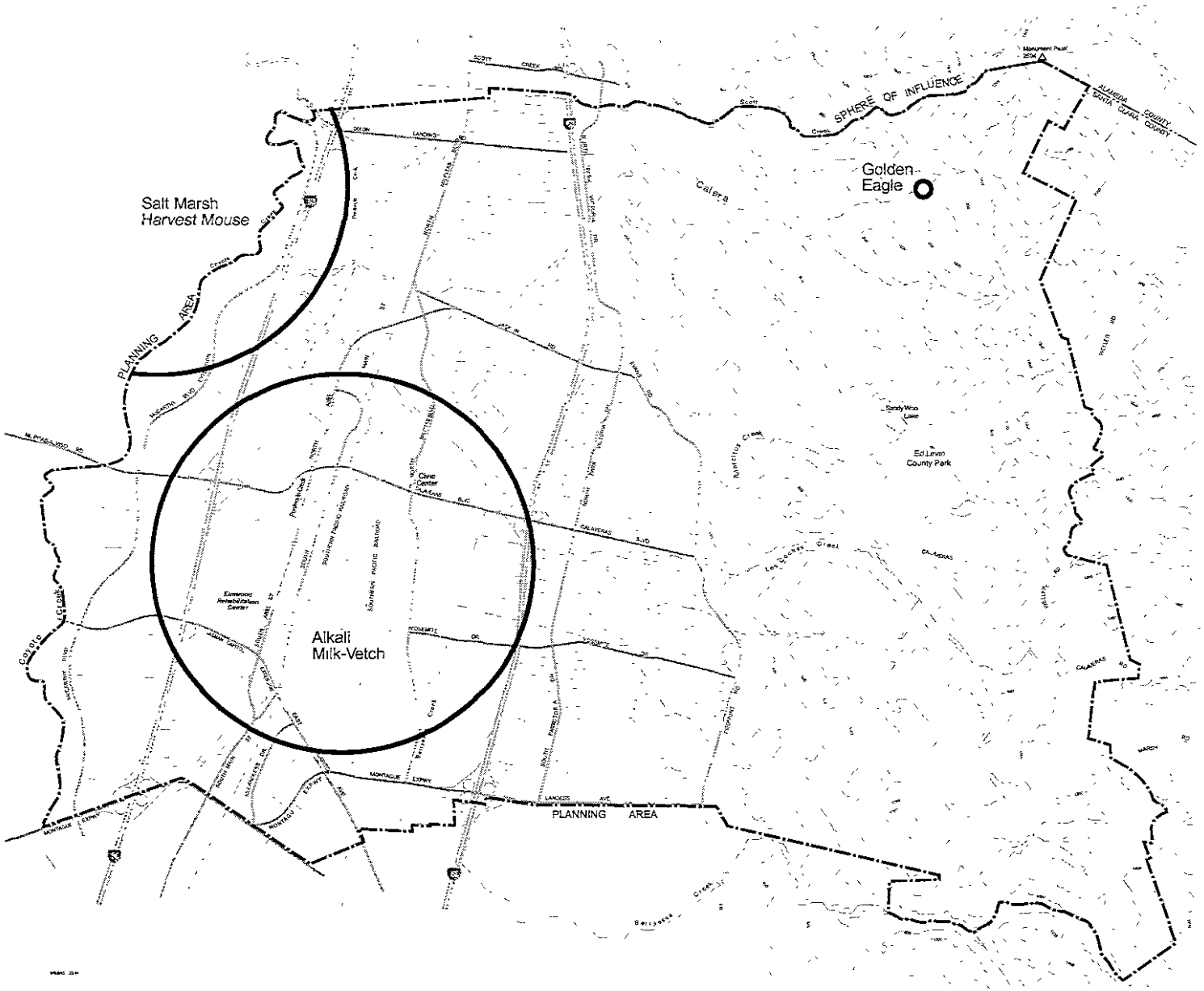
Golden Eagle (Aguila chrysaetos). A species of Special Concern for the CDFG, the golden eagle is found in rolling foothills or coast-range terrain, where wide open grassland turns to scattered oaks, sycamores or large digger pines. Nesting habitat can be found in cliff-walled canyons or large trees in open areas. In May 1993, two juvenile Golden eagles were banded at the upper end of Calera Creek, within the Ed Levin County Park. This is the only known site within the Planning Area.

Alkali Milk-Vetch (Astragalus tener vartener). Listed as Rare by CNPS, the alkali milk-vetch is found in valley and foothill grassland, and vernal pools. The CNPS notes this species as being endangered in a portion of its range, endemic to California and that its "occurrence [is] limited to one or a few highly restricted populations or present in such small numbers that it is seldom reported." The alkali milk-vetch was recorded in southern Milpitas in the region bounded by Calaveras Boulevard to the north, Dempsey Road to the east, Capitol Avenue to the South and the Nimitz Freeway in the west. Although presumed extant according to CNDDB, the last siting was in 1905.

1 Jameson and Peters. *California Mammals.* University of California Press, Berkeley, 1988.

Sensitive Biotic Resources

Figure 4-2



Potential Location of Special *Plant or Animal Species*

Source. Natural Diversity Data Base, Milpitas 7 5 min quad and Calaveras Reservoir 7.5 min quad, California Department of Fish and Game, Natural Heritage Division, 1994, Inventory of Rare and Endangered Vascular Plants of California, California Native Plant Society, 1994.

10 acres

0 1000' 2600' 1 MILE

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4.3 Agricultural Resources

For background information and policies relating to soils in the Planning Area, see Section 5.1: Geology, Soils and Seismic Hazards.

Important Farmland

As part of the Farmland Mapping and Monitoring Plan (FMMP), the State Department of Conservation employs the Important Farmlands Inventory to classify farmland as prime, of statewide importance, unique, or of local importance based on data provided by the U.S. Soil Conservation Service (SCS) and the state Department of Water Resources (DWR). Classification of land as prime or of statewide importance is determined by the soil type as well as current land use. The Farmland Mapping and Monitoring Program does not classify publicly owned land for which there is an adopted policy preventing agricultural use.

Categories of farmland employed by the FMMP[1] include:

Prime Farmland: Land which has the best combination of physical and chemical characteristics for the production of crops.

Unique Farmland: Land of lesser quality soils used for the production of specific high economic value crops.

Farmland of Local Importance: Small orchards, primarily in the foothill area.

Grazing Land: Land on which the existing vegetation is suited for the grazing of livestock.

While urbanization has resulted in loss of a considerable amount of farmland in the Planning Area, the Area does include some important farmlands. Figure 4–3 depicts farmland of prime, unique, and local importance in the Planning Area; there is no farmland of statewide importance in the Planning Area. As can be seen in the figure, farmland along the Coyote Creek is prime.

Crops in the Planning Area

A small part of the Planning Area, along the Coyote Creek, is used for growing a variety of truck and berry and field crops[2]. These include peppers, lettuce, squash and melons, and corn. Figure 4-4 shows crops in the Planning Area according to type.

1 Department of Conservation, Office of Land Conservation, Santa Clara County: Important Farmland (1992).

2 *1990 Land Use, Santa Clara County.* State Department of Water Resources, 1990.

4.4 Water Quality and Conservation

For water supply, see Section 2.6: Public Utilities and Services.

Non-Point Source Pollution Prevention

Concerns about water quality have evolved from early efforts to control the most visible problems, such as discharge of raw sewage, to today's attention to toxic discharges. Water pollution is a concern because of potential health effects as well as of the effects of discharged pollutants on aquatic life. The Planning Area falls under the authority of the San Francisco Bay Regional Water Quality Control Board (RWQCB), one of the nine such boards in the state.

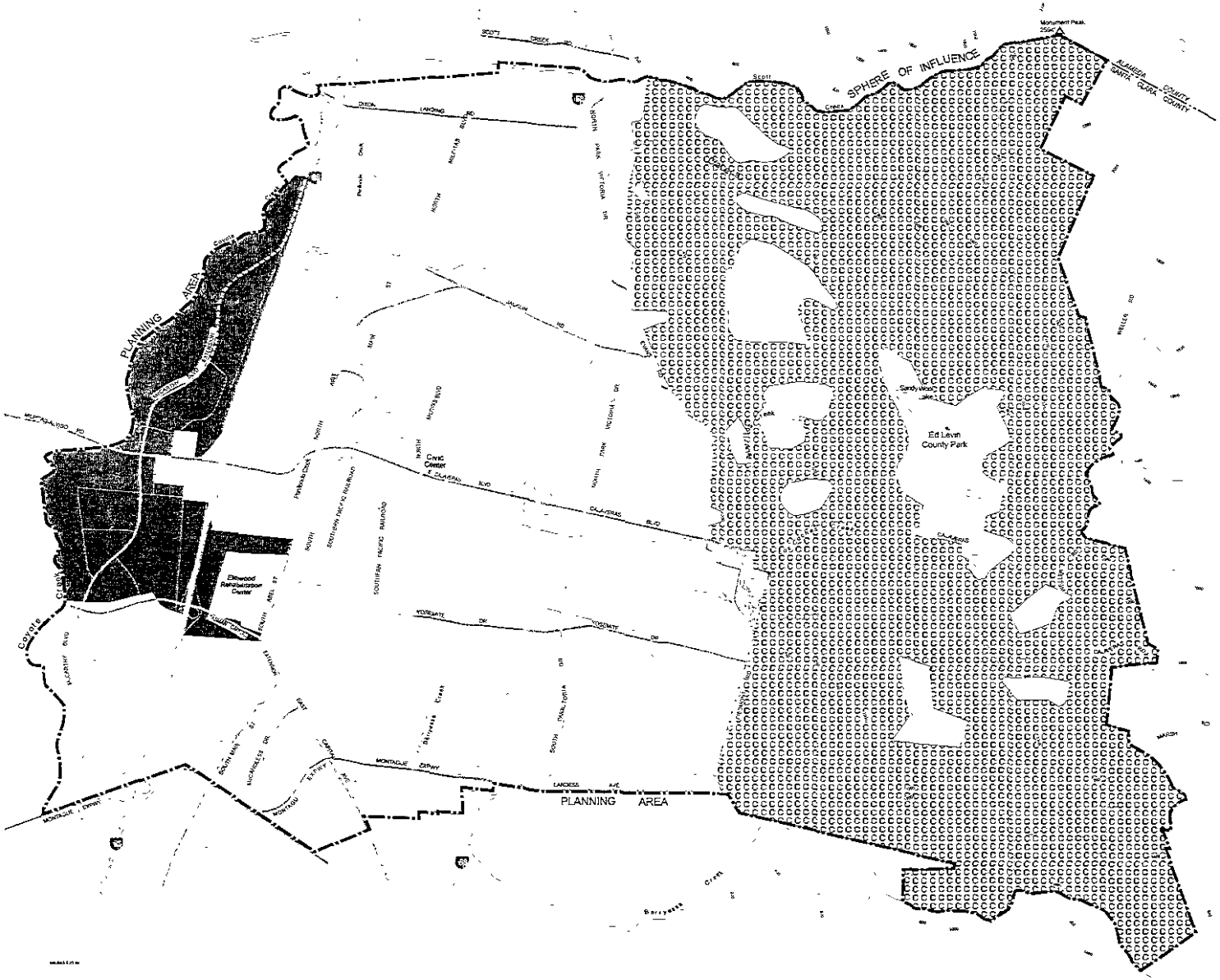
The U.S. Environmental Protection Agency has identified urban storm water runoff as the leading cause of water pollution. Furthermore, both federal and state agencies have identified storm water runoff from the City, among others, as a major source of pollution impacting the South Bay. As a result, the RWQCB has a National Pollutant Discharge Elimination System (NPDES) permit requiring the City of Milpitas, among others, to establish legal authorities sufficient to protect its storm drain system from certain prohibited discharges. The City is also required to implement a Storm Water Management Program to assure that storm water runoff from the City does not cause or contribute to a violation of the water quality standards of the South Bay. Storm water drainage is discussed in Section 5.2.

Water Conservation

Prompted by the recent drought and water shortages, the City in 1993 adopted a Water Efficient Landscapes Ordinance. The Ordinance seeks to promote conservation and efficient use of water by restricting new and rehabilitated landscaping for public agency projects, private commercial and industrial projects, and common-area landscaping in single-family and multifamily subdivisions and planned unit developments to maximum applied water allowances. It also requires preparation of landscape documentation packages for new and rehabilitated landscapes.

Important Farmlands in 1992

Figure 4-3



- Prime Farmland
- Unique Farmland
- Locally Important Farmland
- Grazing
- Urban/Other

Source: Santa Clara County Important Farmland Mapping and Monitoring Program, (1992)

10 acres

0 1000' 2600' 1 MILE

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Crops in 1990

Figure 4-4

Truck Crops

Field Crops

Semi-agricultural

Source: California Department of Water Resources, Santa Clara County Land Use, 1990.

10 acres

0 1000' 2600' 1 MILE

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4.5 Mineral Resources

Urban preemption of prime mineral deposits and conflicts between mining and other uses throughout California led to passage of the Surface Mining and Reclamation Act of 1975 (SMARA), which establishes policies for conservation and development of mineral lands, and contains specific provisions for the classification of mineral lands by the State Geologist.

SMARA requires all cities and counties to incorporate in their general plans mapped designations approved by the State Mining and Geology Board. These designations are to include lands categorized as Mineral Resource Zones, the most significant of which is a designation of mineral resources that are of regional or statewide significance.

When considering mineral extraction, three critical factors must be weighed: impact upon the natural environment, regional need for the minerals extracted, and impacts upon the community.

Existing Mineral Resources

The Planning Area contains four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. These areas, located in the foothills outside City limits (see Figure 4-5), are part of the South San Francisco Bay Production-Consumption Region and contain sandstone deposits. Three of the sites are located west of the Ed Levin Park along Tularcitos and Loa Caches creeks, and the fourth is along Scott Creek at the County line. All of the areas are being currently quarried.

The scenic damage that has already occurred from these quarry operations is readily apparent; it is also possible for such activities to adversely affect water resources. In addition, these quarries must haul many tons of product off-site. When the only means of transportation for the product is by trucks passing through urbanized areas and transversing narrow hillside roads, there are a great many impacts upon the community.

Santa Clara County Policies

Santa Clara County's Mineral Resources Element was prepared in 1988. Policies included in the Element call for new quarry operations within a city's Sphere of Influence to be consistent with that City's General Plan. Approval of new or significant expansion of existing operations would require environmental assessment and new operations that are visible from the Valley Floor are discouraged.

4.6 Historical and Cultural Resources

Background information that follows is summarized from the *Historic Sites Inventory* (1990) and the *Historic Resources Master Plan* (1993).

Prehistoric Period

The lands now occupied by the City of Milpitas were once a part of the home territory of the Tamyen tribelet of Costanoan (Ohlone) Indians. Like other Costanoan groups, the Tamyen maintained a few year-round village sites but also visited various temporary camps at different seasons of the year to hunt and gather food as it became available.

The presence of a deposit of cinnabar (later famous as the mines of New Almaden) within Tamyen territory increased traffic through the early Milpitas area. The cinnabar (used as a body paint) stimulated considerable trade. The deposits were known over much of northern California, and parties from as far away as the Columbia River journeyed to Costanoan territory to obtain it. Trade for other items such as wooden bows, salt, and pine nuts, also brought many visitor to the Tamyen territories.

Remnants of Lifestyle. Two notable Costanoan village sites lie within the city limits of Milpitas. One, a huge shellmound near the present-day Elmwood Rehabilitation Center, was discovered in 1949 and dates back to the eighteenth century. The other, on the site of the Alviso Adobe near the corner of Calaveras and Piedmont, is at least 3,000 years old and is one of only a handful of archaeological sites in California with such a long history of continuous occupation.

Historic Period

Aboriginal Milpitas must have been cris-crossed with a network of paths from village to village and from village to camp. For centuries, these aboriginal footpaths and deer trails were the only roadways of Milpitas. The year 1769 marked the most dramatic event since human beings first migrated into the Bay Area; in that year, the expedition of Gaspar de Portola inaugurated the historic era, bringing in its wake a host of changes. The expedition passed through Milpitas.

The Spanish presence in the South Bay region was rapidly modified over the next few decades. Over the following half-century, the mission holdings were broken up by secularization, supplanted by private land grants such as the Rancho de Milpitas.

The area that was to become Milpitas was already achieving distinction as a stopover point by the late 1840s when the Higuera Adobe welcomed travelers on the immigrant trail

Mineral Resources
Figure 4-5

City of Milpitas
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between Sutter's Fort and San Jose, via Livermore Pass. In 1855, settlers in the Calaveras Valley petitioned for a county road across the flats to Alviso. The resulting intersection — where the Alviso Road crossed the Mission Road — encouraged the development of Milpitas. By the late 1850s, a stage line was operating between San Jose and Oakland, with stops at Milpitas, including one at the Higuera Adobe, operating as a hotel and stage depot. Soon businesses such as general stores, stables, saloons, hotels, blacksmiths, carriage shops, and the all-important post office catered to the needs of farming families.

Historic Sites. The historically and architecturally significant buildings in Milpitas are extremely diverse in style, as well as in method and period of construction.

The first structures to be built in Milpitas were adobe houses located along the foothills east of town (now east of Piedmont and Evans Road) and along both sides of Calaveras Road between Main Street and the foothills. During the 1850s to 1870s, many frame farmhouses were constructed.

Businesses that catered to travelers (saloons, restaurants, blacksmiths, service stations, and hotels) and those that supplied the local population (general stores, meat markets, lumber yards) developed near the intersection of the Alviso-Milpitas Road and the San Jose-Oakland Road. Clustered around this nucleus of commercial and service buildings were the homes of the merchants, railway employees, and working men of the community.

Milpitas changed little until 1953, when the Ford Motor Plant was built at the south end of town. Within the next two decades virtually all of the older buildings in the center of town were demolished; leaving two corridors along the eastern foothills and the western highway fairly intact.

Historical and Cultural Resources Preservation Programs

Cultural Resources Preservation Program. Procedures to identify and designate historical and cultural resources, and to guide their preservation are outlined in the City's Zoning, Planning and Annexation Code. Cultural resources and historic districts are designated by the City Council on the advice of the Parks, Recreation and Cultural Resources Commission.

Recognized Historic Sites. Currently, there are thirteen sites (four of which have no historic structures on them) officially designated as Cultural Resources. The *Historic Resources Master Plan* (1993) identified the following six Cultural Resource sites and two historic sites listed in the Historic Sites Inventory as “prime” candidates for preservation:

- the Milpitas Grammar School/Senior Center, listed in the National Register of Historic Places, and
- the DeVries/Smith Home;
- Campbell's Corners;
- the Caudillo House;

- the Weller/Curtner Estate;
- the Laguna School;
- the Higuera Adobe; and
- the Alviso Adobe.

The Master Plan also identified the two adobes as being eligible for the states' Historic Landmark or Point of Historical Interest status.

4.7 Scenic Resources and Routes

Milpitas' image is of an urban community located at the foot of a significant section of the Mount Diablo Range. The foothills, sparsely settled, represent a semi-wilderness of rugged terrain, remote plateaus and distant views.

Scenic Resources

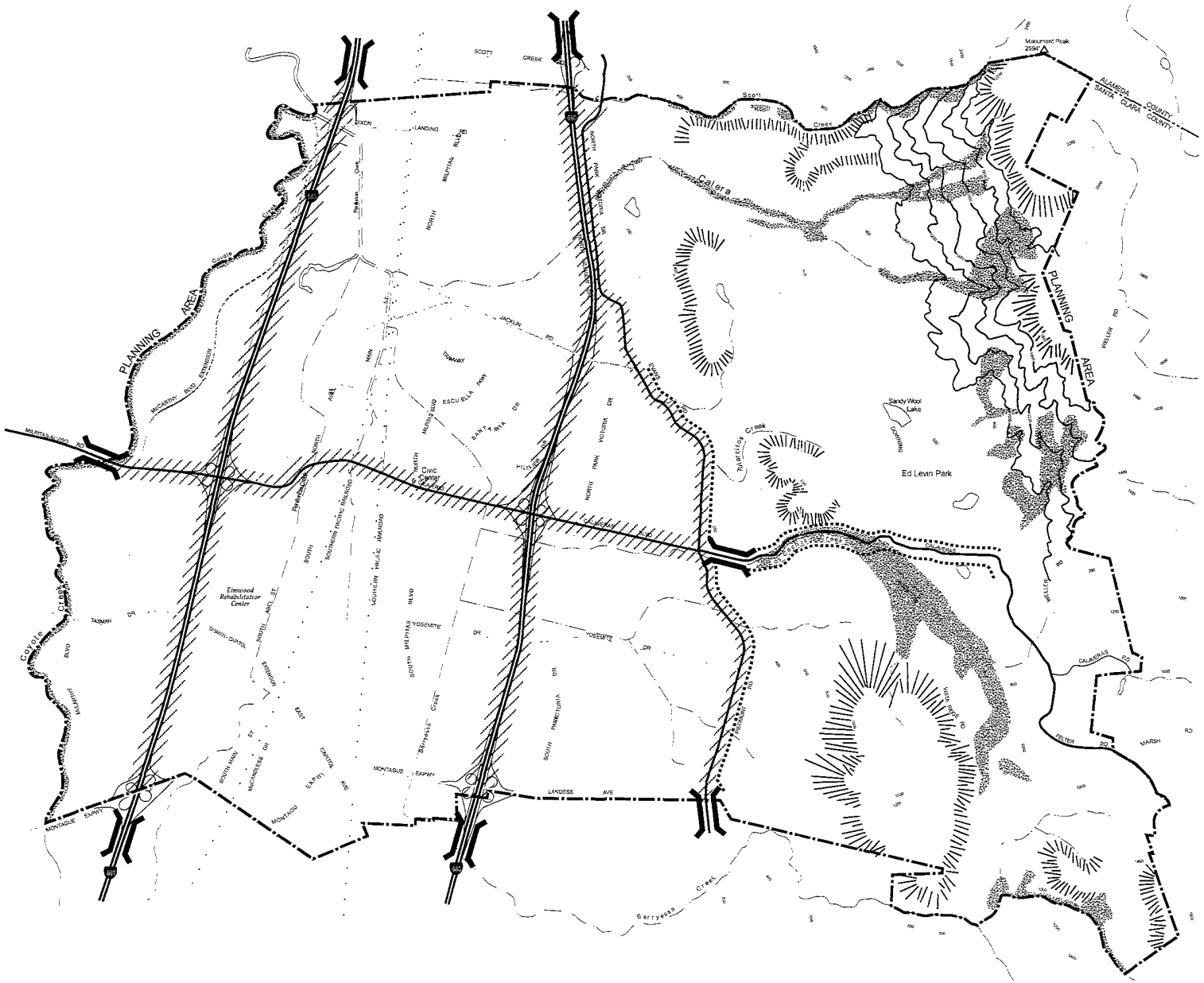
The foothills and the tree-lined Coyote Creek corridor provide Milpitas with a scenic backdrop and visual reference points. Also important to Milpitas' identity are the major entryways of the City. Scenic Resources could be both natural and man-made. Figure 4-6 identifies hillsides, ridges, visually significant vegetation and other elements that are critical in shaping the City's scenic identity.

Scenic Routes

In order to maintain and improve the character of and views of scenic resources from streets, maximize access to parks, open space and other resources, the General Plan establishes a well-integrated network of Scenic Routes. These are streets or corridors which pass through an area of scenic value, provide efficient connections between such areas, or provide distant views of Scenic Resources. Two types of Scenic Routes are established (see Figure 4-6):

Scenic Corridor. Scenic Corridors are located along designated streets that pass through an area of scenic value. Scenic Corridors include the street rights-of-way and extend 200 feet from the center line of the streets along which they are located. Areas within the corridors are subject to special development controls for the purpose of retaining and enhancing nearby views or maintaining unobstructed distant views. Public projects will also be reviewed for compliance with this plan.

Scenic Connector. A designated street connecting or providing access to Scenic Corridors or distant views. A Scenic Connector may not necessarily traverse an area of scenic value, and the abutting land is not subject to the Scenic Corridor land use controls. However, special design treatment — which may include roadside landscaping, undergrounding of utility lines, and street furnishings — will be carried out to provide a visual continuity with the Scenic Corridors.



Scenic Resources and Routes

Figure 4-6

VISUAL RESOURCES

- Visually Significant Hilltop or Ridge
- Visually Significant Hillside
- Visually Significant Vegetation
- Major Visual Gateway

SCENIC ROUTES

- Scenic Corridor
- Scenic Connector

Clarifying note: as described in Guiding Principal 4.g-G-7 lands within the Valley Floor Planning Area are exempt from the General Plan scenic corridor policies.

10 acres

0 1000' 2600' 1 MILE

City of Milpitas

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4.8 Waste Management and Recycling

The City of Milpitas and Santa Clara County Integrated Waste Management Plans (IWMP) comply with state-mandated waste reduction goals specified in Public Resources Code 40500 (Assembly Bill 939). PRC 40500 requires local agencies to implement source reduction, recycling, and composting activities to reduce solid waste generation by 25 percent by the year 1995, and by 50 percent by the year 2000.

As a part of PRC 40500, each city and county is required to prepare a Source Reduction and Recycling Element (SRRE) and a Household Hazardous Waste Element (HHWE). Together, the SRRE and HHWE comprise the City's IWMP.

Solid Waste Disposal Facilities

Newby Island landfill, located on Dixon Landing Road in San Jose serves the City. It is a Class III landfill, with an estimated lifespan of an additional 28 years (to 2021). There are no current proposals for expansion of the landfill.

Source Reduction and Recycling

The City's *Source Reduction and Recycling Element* provides a summary and analysis of existing and needed source reduction, recycling, and composting programs and facilities, strategies for handling special wastes, and for funding. Implementation measures for both short (next 5 years) and medium term (next 10 years) are specified and include multifamily residential and non-residential recycling, public awareness, and regulatory programs. Implementation measures outlined in the Element are expected to lead to diversion of an estimated 13.6 to 19.5 percent of the waste stream by 2000.

Goals adopted as part of the City's *Source Reduction and Recycling Element* include:

- Meet or exceed state-mandated solid waste disposition rates by maximizing source reduction, recycling and composting opportunities for Milpitas residents and businesses;
- Motivate the residential and business sectors to reduce and recycle solid waste;
- Ensure that all land development projects provide adequate space and design for waste reduction and management activities and equipment;
- Encourage the development and expansion of local and regional markets for diverted materials;
- Provide solid waste management services that minimize environmental impacts, ensure public health and safety and facilitate waste reduction efforts; and
- Increase residents' awareness of proper disposal and reduction methods for wastes.

Hazardous Waste

Hazardous materials management includes the identification, proper transport, and disposal of hazardous materials. Hazardous materials include liquids, solids, and gases which by themselves, or when placed in contact with other materials, can result in contamination of soil or water, poisonous vapors, fires, or explosions. Hazardous materials can enter the environment via air, soil transport, or surface runoff. Improper storage or disposal can contaminate soil and groundwater and pose a general health hazard to the population. Hazardous materials are used and created everyday by some industries, and include common household items such as insecticides, waste motor oil, and cleaning fluids.

Nearly all of the hazardous materials transported through Santa Clara County, and the Planning Area, are carried by truck on the freeways and state highways. Little or none of the hazardous materials is transported through via rail. County roads and city streets are used to transport locally generated wastes from the source to the regional highway system.

Household Hazardous Waste (HHW)

Hazardous materials, used in many household products (e.g., drain cleaners, waste oil, cleaning fluids, insecticides, and car batteries), are often improperly disposed of as part of normal household trash. These materials can interact with other chemicals to create a risk to the general population and can also result in soil and groundwater contamination.

Since 1985, Milpitas residents have had access to disposal of their HHW. Funded by the City from the General Fund, the current program is conducted by the Santa Clara County Household Hazardous Waste Collection Program. The County hosts mobile pickup at different sites throughout the County, twice yearly in Milpitas. Residents call the County HHW program hotline to make appointments to drop off their hazardous wastes, and the City pays a per-vehicle fee for the service.

The City has since October 1993 been participating in a countywide effort to site and develop permanent recycling and disposable facilities for HHW. These facilities, currently in the planning stages, will also serve small commercial generators of hazardous waste.

In 1986, AB 2984 (Tanner Bill) was passed, establishing a process for the development of hazardous waste management plans for all California counties, regional councils of government and the state. In 1989 Milpitas participated with other Santa Clara County cities in developing the Hazardous Waste Management Plan (CHWMP). This plan was subsequently approved by the County Board of Supervisors and the City Councils of every participating city, including Milpitas. In 1991 the CHWMP was amended by the County and cities. The State's review and approval of the CHWMP was finally obtained on January 6, 1995.

In addition to becoming the County Plan, the CHWMP was designed as a plan which could be adopted by participating cities for their own use. The City of Milpitas has adopted the CHWMP as the policy document and planning guide for all decisions regarding the development of off-site hazardous waste management facilities and programs related to the management of hazardous waste within the City.

The objectives of the City's *Household Hazardous Waste Element* are:

- Provide disposal alternatives for HHW generated in the city, including participation in the County of Santa Clara's HHW program;
- Undertake educational programs to reduce the volume and hazards of HHW entering the waste stream by encouraging proper use and disposal of hazardous products, and waste reduction, including the use of safer alternatives;
- Promote proper storage and handling methods to protect the public's health and safety;
- Recycle HHW to the extent possible; and
- Participate in the load inspection program at the Newby Island landfill.

4.9 Open Space/Conservation Principles and Policies

a. Park and Recreational Facilities

Guiding Principles

4.a-G-1 Provide a park and recreation system designed to serve the needs of all residents of the community.

4.a-G-2 Develop a diversified trail system along streamsides and other public rights of way to provide recreational opportunities and link facilities.

4.a-G-3 Cooperate with other agencies, such as the County and MUSD, to provide recreational opportunities to residents.

Implementing Policies

4.a-I-1 Provide 5 acres of neighborhood and community parks for every 1,000 residents outside of the Midtown Specific Plan Area, and 3.5 acres of special use parks for every 1,000 residents within the Midtown Specific Plan Area.

This is the current City standard.

4.a-I-2 For areas outside the Midtown Specific Plan Area, require land dedication or in lieu fees equivalent to the 5 acre/1,000 resident standard, but allow credit for private open space for up to 2 acres/1,000 residents for private open space provided in accordance with the criteria specified in the Subdivision Regulations. For areas within Midtown, require land dedication or in lieu fees equivalent to the 3.5 acre/1,000 resident standard, but allow credit for private open space for up to 1.5 acres/1,000 residents for private open space provided in accordance with the criteria specified in the Subdivision Regulations.

4.a-I-3 Provide a system of hiking and riding trails and pathways connecting the Valley Floor Area to Ed Levin Park.

4.a-I-4 Explore the feasibility of a trail in the Hillside Area within the crestline zone of protection connecting Ed Levin County Park to Alum Rock Park.

4.a-I-5 Provide an extensive visually stimulating system of "people paths" by developing park chains along Coyote River and the Hetch Hetchy right-of-way.

4.a-I-6 Develop the Coyote River area in cooperation with the County Park and Recreation Commission in a linear park chain which would connect with the Coyote Park Chain in San Jose and provide a safe mechanism for undertaking flood-control measures. The trails along Coyote Creek should be part of the San Francisco Bay Trail, a regional network of trails used by hikers and bicyclists.

4.a-I-7 Where feasible, provide new neighborhood and community parks adjacent to public schools for joint use.

4.a-I-8 Explore the feasibility of providing interpretive trails that tie in with the history of Higuero Adobe and Alviso Adobe.

4.a-I-9 Explore the feasibility of providing a performing/visual arts center, an historical museum and a gymnasium.

4.a-I-10 Prepare a Park and Recreation Master Plan.

b. Biotic Resources

Guiding Principles

4.b-G-1 Protect and conserve open spaces which are necessary for wildlife habitats and unique ecological patterns.

4.b-G-2 Preserve and protect populations and supporting habitat of special status species within the Planning Area, including species that are state or federally-listed as Rare, Threatened, or Endangered, all federal "candidate" species for listing and other species proposed for listing, and all California Species of Special Concern.

Implementing Policies

4.b-I-1 Strictly enforce grading regulations controlling removal of vegetative cover from hillside areas.

4.b-I-2 Preserve remaining stands of trees.

4.b-I-3 Recreation use of essentially virgin areas should be centered around activities which have a minimally disruptive effect on natural vegetation

4.b-I-4 Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.

4.b-I-5 Utilize sensitive species information acquired through biological assessments, project land use, planning and design.

c. Agricultural Resources

Guiding Principle

4.c-G-1 Support agricultural activity that is compatible with urban uses, and as an interim use in areas that are designated for urban uses.

Implementing Policies

4.c-I-1 While undertaking improvements in areas being used for agricultural operations, strive to ensure that the viability of agriculture as an interim used is maintained.

With the exception of the foothills, most of which are classified as grazing land, the General Plan Diagram designates all other farmland in the Planning Area for urban uses. Extension of the McCarthy Boulevard north of State Route 237 will open the last remaining sites being used for agricultural operations for urban uses.

4.c-I-2 Permit and support grazing activity in the foothills where feasible.

d. Water Quality and Conservation

Guiding Principles

4.d-G-1 Protect and enhance the quality of water resources in the Planning Area.

4.d-G-2 Promote conservation and efficiency in the use of water.

Implementing Policy

4.d-I-1 Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board.

This is implemented through Chapter 16 of the City's Zoning Ordinance.

e. Mineral Resources

Guiding Principle

4.e-G-1 Provide for extraction of minerals to help meet future regional needs in an environmentally sensitive manner.

Implementing Policies

4.e-I-1 Manage aggregate resources to ensure that extraction results in the fewest environmental impacts.

Mining is usually a high-impact activity that must adjust its operations to become an acceptable neighbor to urban areas.

4.e-I-2 Require preparation and assured implementation of adequate reclamation of mined lands as a condition of approval of mining.

This is a requirement of SMARA.

4.e-I-3 Permit new quarries only if they are:

- Compatible with surrounding land uses;
- Not environmentally disruptive; and
- Not visible from the Valley Floor.

These requirements are consistent with the 1988 Santa Clara County Mineral Resources Element.

4.e-I-4 Work with surrounding jurisdictions to ensure establishment of implementation measures for mineral resource management consistent with state law.

All of the identified state-identified mineral resource areas in the Planning Area are outside City limits.

Consistent with the requirements of the Public Resource Code, implementation measures of the involved jurisdictions must include:

Reference in the General Plan to the location of identified mineral deposits;

Use of maps to clearly delineate identified mineral deposits; and at least one of the following:

a) Appropriate zoning that identifies deposits and restricts encroachment of incompatible land uses.

b) Requirements for recording notice of the presence of identified mineral deposits in the chain of property title; or

c) Conditions placed upon incompatible land uses within and next to any areas containing identified mineral deposits for the purpose of mitigating any significant land use conflicts..

f. Historical and Cultural Resources

Guiding Principles

4.f-G-1 Preserve existing historical and cultural resources, especially those sites where an Historical Park may prove feasible.

4.f-G-2 Undertake efforts that promote Milpitas as a historical community, and undertake efforts to increase public awareness towards preservation.

Implementing Policies

Public Efforts

4.f-I-1 Continue to maintain, rehabilitate, and restore City-owned historic buildings and sites.

4.f-I-2 Acquire historic sites that would benefit from public ownership.

The Historic Resources Master Plan has identified the following properties deserving consideration for acquisition:

- *the DeVries/Smith Home;*
- *the Weller/Curtner Estate;*
- *the Alviso Adobe and site; and*
- *the Windsor Blacksmith shop.*

4.f-I-3 Develop a program to survey and catalog artifacts, documents and other historic material.

The Historic Resources Master Plan identifies a staging process for implementation.

4.f-I-4 Increase the prominence and access to the City's historic resources by developing paths and trails linking the historic sites.

4.f-I-5 Develop programs to promote Milpitas' history.

Sponsor cultural events, such as a Rancho Festival or History Days, that increase public awareness of historic resources.

Private Preservation Efforts

4.f-I-6 Encourage private involvement in historic preservation through the establishment of a revolving City loan program.

The details of this program are described in the Conceptual Historic Resources Master Plan.

4.f-I-7 Establish a program to award plaques, awards and small grants to recognize private preservation efforts.

g. Scenic Resources and Routes

Guiding Principles

4.g-G-1 Preserve and enhance the natural beauty of the Milpitas area.

4.g-G-2 Establish a network of continuous and varied Scenic Routes that provide views of Scenic Resources and access from urban areas and the regular transportation network to parks, open spaces and cultural attractions.

4.g-G-3 Enhance the visual impact of the gateways to Milpitas.

4.g-G-4 Encourage a variety of recreational uses along Scenic Routes consistent with the concept of protecting visual resources.

4.g-G-5 Provide for the inclusion of facilities and improvements (vista points, picnic areas, etc.) along Scenic Routes where appropriate.

4.g-G-6 Design and site Scenic Routes to have a minimal adverse impact on the environment.

4.g-G-7 Exempt all lands within the Valley Floor Planning Area from Scenic Corridor restrictions.

Implementing Policies

Land Use and Development

4.g-I-1 Limit uses in Scenic Corridors to those uses allowed by right and conditionally in the R-1 Single Family Residence and Park and Open Space Zoning Districts. Commercial development can only be allowed when its design will not result in a loss of any scenic potential.

4.g-l-2 Permit clustering of structures, in order to preserve open space while providing for desired development.

4.g-l-3 Development in the Scenic Corridor shall not exceed 17 feet in height. The 17 foot height limit may be waived by the City Council when the following two criteria are met: (1) taller building are allowed through the underlying zoning district or a PUD process; and (2) development that exceeds the 17 foot height limit does not significantly obstruct views of the Hillside based on the following guidelines:

- The development will not significantly obstruct scenic features including but not limited to ridgelines, stands of trees or other vegetation, geologic formations, historic or scenic structures.

- The development is sited to avoid destruction of any distinctive physical characteristics with significant scenic value.

- The development will avoid architectural features such as unusually long blank walls, unbroken roof lines, and excessively steep roof pitches which would detract from the scenic characteristics of the site.

- The scale of the project is consistent with the scale of existing development in the immediate vicinity and within the Scenic Corridor.

- The bulk of the building(s) will not dominate views of the corridor.

- Building materials and colors will blend in and complement the rural "natural" hillside setting (i.e., earth tones, stucco, clay, stone, wood, etc.).

Design

4.g-l-4 Require all development within or abutting Scenic Corridors to be oriented away from the Corridors, with limited driveway access.

4.g-l-5 New development within the Scenic Corridor will be subject to site and architectural review ("S" zone Approval) by the Planning Commission. The review will include:

- reviewing architectural design and site planning of all development;
- requiring development that adjoins natural environments to use materials that help to blend buildings into the surroundings; and
- requiring parking, storage and other such areas to be screened-off from view by using trees and shrubs.

4.g-l-6 Provide view turnouts, rest areas and picnic facilities at appropriate locations along Scenic Corridors.

Landscaping and Utilities

4.g-l-7 Ensure that all landscaping within and adjoining a Scenic Corridor or Scenic Connector:

- Enhances the City's scenic resources by utilizing an appropriate scale of planting, framing views where appropriate, and not forming a visual barrier to views;
- Relates to the natural environment of the Scenic Route; and
- Provides erosion control.

Coordination with Caltrans will be required for portions of Scenic Connectors which are in Caltrans' right of way.

Median landscaping, lighting fixtures, street signals, and other street furnishing along Scenic Routes should follow a consistent design scheme, and be tastefully blended into the natural or urban landscape.

4.g-l-8 Undertake a program in cooperation with PG&E to underground, relocate or screen utility lines and transmission towers within or easily visible from Scenic Routes.

4.g-l-9 Prepare and implement landscape plans for treatment of major gateways leading into the City.

These are identified on Figure 4-6.

Signage

4.g-I-10 Ensure that within the Scenic Corridors, the City's Sign Ordinance permits on-street signs of only the minimum size and height necessary for identification purposes.

Currently, all Scenic Corridors are within the Hillside Area and the Sign Ordinance currently does not contain special provisions relating to signs within the Scenic Corridors. However, off-premises signs are prohibited by the City's Sign Ordinance throughout the City.

4.g-I-11 Undertake an evaluation of and implement any necessary steps to ensure that the design and location of signs within and adjoining Scenic Routes does not lead to unsightly and obtrusive conglomerations of advertising.

4.g-I-12 Undertake a program to place appropriate and consistent Scenic Route identification signs periodically along all Scenic Routes. Also provide instructional signs and displays, where appropriate, along Scenic Routes and at roadside facilities, indicating major visual features of the area.

Creeks

4.g-I-13 Develop the section of Berryessa Creek which runs through the Town Center into a scenic as well as a recreation resource for the Town Center.

h. Waste Management and Recycling

Guiding Principle

4.h-G-1 Undertake efforts to reduce the generation of waste, increase recycling and slow the filling of local and regional landfills, in accord with the California Integrated Waste Management Act of 1989.

Implementing Policy

4.h-I-1 Implement measures specified in the City's *Source Reduction and Recycling Element* and the City's *Household Hazardous Waste Element*.

Detailed measures to implement the City's policies are outlined in these two elements and are not repeated in the General Plan.

i. Hazardous Waste

Guiding Principle

4.i-G-1 Ensure that off-site hazardous waste management facilities are safely located to maintain the quality of life in the community.

An off-site hazardous waste management or treatment facility is one which manages, stores, treats or processes hazardous waste. It serves more than one producer of hazardous waste, as opposed to an on-site facility, which serves only the hazardous waste needs of the company with which it is affiliated.

Implementing Policies

4.i-I-1 Review proposals for hazardous waste management facilities for conformance with the goals, policies, siting criteria, implementation methods, mitigating measures and other applicable information and recommendations contained in the Santa Clara County Hazardous Waste Management Plan.

4.i-I-2 Limit off-site hazardous waste management facilities to those that process the types of waste generated in the City, and limit the capacity of these facilities based on the “fair share” provisions of the Santa Clara County Hazardous Waste Management Plan.

4.i-I-3 Given the highly urbanized development of Milpitas, it is not appropriate for hazardous waste residual repositories to be located within the city, and none shall be permitted.

Hazardous waste residual repositories are specifically restricted to receiving residuals from hazardous waste treatment facilities; residuals are materials which are left over after treating hazardous waste